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8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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11 RIC (SAN LEANDRO) LLC, a California  
12 limited liability company

13 Plaintiff,

14 v.

15 BRUCE DOUGLAS MILLER, an individual  
16 and Wyoming resident, PATRICK JOHN  
KOENTGES, an individual and Colorado  
resident, KENNETH EDWARD GREER, an  
individual and Colorado resident, GREEN  
17 SAGE, LLC, a Colorado limited liability  
company,

18 Defendants.

19 Case No. 3:23-cv-01501-SK

20 **DECLARATION OF OLIVIA J. SCOTT  
IN SUPPORT OF PLAINTIFF'S  
RENEWED MOTION FOR ORDER  
AUTHORIZING SERVICE OF  
DEFENDANTS BRUCE DOUGLAS  
MILLER AND KENNETH EDWARD  
GREER BY PUBLICATION**

21 **[Fed R.Civ.P. 4(e)(1)]**

22 *[Filed contemporaneously with Notice of  
Motion and Memorandum of Points and  
Authorities; Declaration of Bill Murdoch;  
and [Proposed] Order]*

23 Hon. Sallie Kim, Courtroom C

24 Date: August 21, 2023

25 Time: 9:30 a.m.

26 Courtroom: C

**DECLARATION OF OLIVIA J. SCOTT**

I, Olivia J. Scott, declare as follows:

3       1. I am an attorney duly licensed to practice law in the State of California. I am an  
4 associate at the law firm Bryan Cave Leighton Paisner LLP, counsel of record for Plaintiff RIC  
5 (San Leandro) LLC, (“**Plaintiff**”). I have personal knowledge of the matters set forth in this  
6 Declaration. If called as a witness, I could testify competently to them.

7 2. This declaration is now resubmitted in support of the Renewed Motion for Order  
8 Authorizing Service by Publication, as required by the Court's June 10, 2023 Order on the  
9 Original Motion for an Order Authorizing Service by Publication, which the Court granted with  
10 respect to Plaintiff's request for an extension of the time to serve the summons and Complaint, but  
11 denied as to authorizing service by publication, requiring an additional declaration to be submitted  
12 by Plaintiff.

13       3.       On or around March 23, 2023, Plaintiff filed the underlying Complaint and asserted  
14 claims for breach of certain written guaranty agreements, as defined in the Complaint, against Mr.  
15 Miller, Mr. Greer, Patrick Koentges and Green Sage, LLC. Prior to filing the underlying  
16 Complaint, Plaintiff participated in mediation that involved separate claims with respect to the  
17 collateral securing the Loan Documents,<sup>1</sup> which Loan is guaranteed by the Defendants.

18       4. After filing this Complaint, Plaintiff attempted to personally serve Mr. Miller at an  
19 address in Littleton, Colorado (where Plaintiff understands on information and belief that Mr.  
20 Miller may reside); Belgrade, Montana (where Plaintiff understands on information and belief that  
21 Mr. Miller owns a ranch property); and Jackson, Wyoming (where Plaintiff understands on  
22 information and belief that Mr. Miller may reside). True and correct copies of the affidavits of due  
23 diligence evidencing the attempts to serve Mr. Miller at the foregoing three addresses are attached  
24 hereto as **Exhibits A-C**, respectively.

25 5. Plaintiff's counsel also spoke to an attorney for Mr. Miller's ex-wife, Angela  
26 Rockwood, who confirmed the address of the Belgrade, Montana property—at which location

28 1 Capitalized terms not otherwise defined herein retain their definition as assigned in the Complaint.

1 Plaintiff attempted service seven times—as a property owned by the couple.

2       6.      The attorney for Mr. Miller's ex-wife also identified Mr. Miller's counsel in  
3 litigation with his ex-wife as Peter D. Menges of The Law Office of Peter D. Menges, P.C.  
4 Thereafter, counsel for Plaintiff contacted Mr. Menges by telephone in an attempt to determine the  
5 location of Mr. Miller. Mr. Menges responded on May 20 by email and stated that he represents  
6 Mr. Miller on a "limited issue" in Jefferson County, Colorado, but does not have authority to  
7 disclose his whereabouts. A true and correct copy of Mr. Menges' email to Plaintiff's counsel is  
8 attached hereto as **Exhibit D**.

9       7. Beginning on or around April 5, 2023, and as of the date of this Motion, Plaintiff  
10 attempted to serve Mr. Greer no less than 13 times at a total of three different addresses: two  
11 addresses in Denver, Colorado (where Plaintiff understands on information and belief that Mr.  
12 Greer resides) and one address in La Jolla, California (where Plaintiff understands on information  
13 and belief Mr. Greer may own a second residence. True and correct copies of the affidavits of due  
14 diligence evidencing the attempts to serve Mr. Miller at the foregoing three addresses are attached  
15 hereto as **Exhibits E-G**, respectively.

16 8. On or about May 9, 2023, Plaintiff hired licensed private investigator, Bill  
17 Murdoch to identify (and corroborate) any addresses associated with either Defendant.

18 I declare under penalty of perjury under the laws of the State of California that the  
19 foregoing facts are true and correct.

20 Executed on this 18th day of July, 2023, at Irvine, California.

  
Olivia L. Scott

Olivia J. Scott